

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WALTER WM. BOYD, SR.,	)	Civil Action No. 04 - 206
	)	
Plaintiff,	)	Chief Judge Donetta W. Ambrose
	)	Magistrate Judge Lisa Pupo Lenihan
v.	)	
	)	
T. IMHOFF, Correction Officer;	)	
GEORGE MESAROS; EDWARD	)	
PAVLICK; CAPTAIN COAL, Examiner;	)	
and JEFFREY BEARD,	)	
	)	
Defendants.	)	

**ORDER**

The above captioned case initiated by the filing of a Motion to Proceed In Forma Pauperis and a Complaint on February 12, 2004 and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation (Doc. No. 26), filed on February 22, 2006, recommended that Defendants' Motion to Dismiss (Doc. No. 13) be granted. The report and recommendation was served on the Plaintiff at SCI Cresson, P.O. Box A, Cresson, PA 16699 and on counsel for the Defendants. The parties were advised they were allowed ten (10) days from the date of service to file written objections to the report and recommendation. Plaintiff filed a "Motion to File an Objection" on March 2, 2006, which upon review, was a timely filed objection to the report and recommendation. No response to the objections have been filed. After review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 21<sup>st</sup> day of March, 2006;

**IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss (Doc. No. 13) is **GRANTED**.

**IT IS HEREBY ORDERED** that Plaintiff's Motion for Appointment of Counsel (Doc. No. 30) filed March 23, 2006 is **DENIED** as moot, as the case is being dismissed.

**IT IS HEREBY ORDERED** that Plaintiff's "Motion and Request for Refile of the Pass Motions Filed" (Doc. No. 31) filed March 23, 2006 is also **DENIED** as moot, as the case is being dismissed.

**IT IS FURTHER ORDERED** that the Report and Recommendation (Doc. No. 26) of Magistrate Judge Lenihan, dated February 22, 2006, is adopted as the opinion of the court.

Dated:

3/27/06

By the Court:

Donetta W. Ambrose

Donetta W. Ambrose  
United States District Judge

cc: Lisa Pupo Lenihan  
United States Magistrate Judge

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